

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered prayer, as follows:

Dear God, the giver of life:

A useful citizen, a great character and an interesting personality has passed from our midst; and we are reminded that man in his ways is as the grass of the field and as the flower of the valley. In the morning they grow up, and in the evening they wither and the place of them is known no more.

Help us so to live that when our summons comes to join the innumerable caravan which moves to that mysterious realm, where each one shall take his chamber in the silent halls of death, we go not like quarry slaves, scourged to their dungeons, but as one sustained and soothed by an unflinching trust wraps the drape of his couch around him and lies down to pleasant dreams.

We ask thee to sustain and comfort the sorrowing and bereaved.

Amen.

On motion of Senator Jones, the prayer of the Chaplain was ordered printed in the Journal.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1945.

Hon. John Lee Smith,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 17, Granting permission that each House adjourn from Thursday, February 1, 1945 to Monday, February 5, 1945.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

House Concurrent Resolution 17

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 17, Authorizing the House and Senate to adjourn from Thursday, February 1, 1945 to Monday, February 5, 1945.

The resolution was read.

On motion of Senator Aikin, the

resolution was considered immediately.

The resolution was adopted.

Appointment of Special Committee

Senator Martin moved that the President appoint a committee to assist with the arrangements for the funeral services and burial of Honorable Bob Barker.

The motion prevailed.

Accordingly, the President appointed the following committee: Senators Martin, Moore, Crawford, Weinert, Stone, Lanning and Aikin.

Hour for Funeral Services for Honorable Bob Barker

The President announced that funeral services for Honorable Bob Barker would be held in the Senate Chamber at 2:30 o'clock p. m. tomorrow.

Adjournment

On motion of Senator Martin, the Senate, at 10:40 o'clock a. m., adjourned out of respect to the memory of Honorable Bob Barker until 11:00 o'clock a. m., Monday, February 5, 1945.

SEVENTEENTH DAY

(Monday, February 5, 1945)

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

| | |
|-----------|----------|
| Aikin | Moffett |
| Brown | Moore |
| Bullock | Morris |
| Carney | Parrish |
| Chadick | Ramsey |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Mauritz | York |
| Metcalf | |

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 1, 1945, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senators Kelley and Shivers were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator Moffett.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Moore and Sulak:

S. B. No. 105, A Bill to be entitled "An Act providing that any independent or common school district in this State shall have the right to distribute to its employees during the last three months of the school term of the scholastic year, September 1, 1944 to August 31, 1945, as an emergency addition to salary the \$4.00 extra state per capita apportionment made July 3, 1944, by the State Board of Education as a supplement to the state per capita; and declaring an emergency."

To Committee on Education.

By Senator Morris:

S. B. No. 106, A Bill to be entitled "An Act to amend Chapter 40, Section 6, Acts 1929, 41st Legislature, 1st Called Session, same being Article 4860a-6, Vernon's Annotated Statutes, so as to permit mutual insurance companies organized or licensed to do business in Texas under the provisions of Chapter 40, Acts 1929, 41st Legislature, 1st Called Session, to write fidelity and surety bonds, providing for the amount of surplus such companies shall possess and providing for deposit of securities in same manner as is required of stock companies doing a similar business and declaring an emergency."

To Committee on Insurance.

By Senators York and Knight:

S. B. No. 107, A Bill to be entitled "An Act to amend Section 2 of Article 2 of H. B. No. 176, Chap. 373,

Acts of the 48th Legislature, 1943; and declaring an emergency."

To Committee on Education.

By Senator Stone:

S. B. No. 108, A Bill to be entitled "An Act amending Chapter 5, Acts of the 39th Legislature, Reg. Sess., 1925; prescribing the method of appointing navigation and canal commissioners in navigation districts composed of lands in two counties; authorizing the issuance of revenue bonds by navigation districts organized under Article XVI, Section 59 of the Constitution of Texas to acquire facilities to provide a water supply for designated purpose; authorizing such districts to own and operate such facilities or to contract for the operation of designated portions thereof; validating the creation and organization of all navigation districts composed of lands in two counties and all bonds issued by such districts and all taxes levied to pay such bonds, where certain prescribed conditions were met; providing that the unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moffett:

S. B. No. 109, A Bill to be entitled An Act to amend Sec. 4, Paragraph 1, Chapter 173, H. B. 20, Acts of the 47th Legislature, Reg. Sess., so as to provide another means of receiving permission to take a driver's license examination other than by permission of the County Judge of the County in which such person resides, and declaring an emergency, and further, to amend Sec. 12 (a), Chapter 173, H. B. 20, Acts of the 47th Legislature, Reg. Sess., to clothe the Department of Public Safety with authority to restrict the areas, locations, highways, time, mechanical devices on vehicle, or mechanical attachments on the applicant, in which a holder of an operator's license, commercial operator's license, and/or chauffeur's license, may operate a vehicle; and declaring an emergency.

To Committee on Highways and Motor Traffic.

By Senator Winfield:

S. B. No. 110, A Bill to be entitled An Act making an appropriation of \$7,748.30 to the College of Mines and

Metallurgy, a branch of The University of Texas, at El Paso, Texas, for the purpose of acquiring additional land within and adjacent to the campus of said College and the making of improvements thereon; and declaring an emergency.

To Committee on Public Debts, Claims and Accounts.

By Senator Spears (by request):

S. B. No. 111, A Bill to be entitled An Act fixing the compensation of certain designated District and County Officers in counties having a population in excess of three hundred thousand (300,000) inhabitants according to the last preceding or any future Federal Census; providing the method and means by which said officers shall be compensated; providing for appointment by and compensation of deputies, assistants and employees of said District and County Officers and the means by which they shall be compensated; providing for the appointment by and compensation of deputies, assistants and employees of the District Attorney or Criminal District Attorney in counties having a population in excess of three hundred thousand (300,000) inhabitants according to the last preceding or any future Federal Census; making this Act cumulative of all existing legislation, which is not in conflict herewith, affecting said officers named herein and their deputies, assistants and employees; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; providing that if any section or part of this bill is found to be unconstitutional or invalid that the rest of said Act shall not thereby becoming invalid; further providing that should this Act be declared invalid that the salary and compensation of said County and District Officers and District Attorneys or Criminal District Attorneys, and their deputies, assistants and employees provided in other Legislative Act shall not be affected by said unconstitutional Act; and declaring an emergency.

To Committee on Counties and County Boundaries.

By Senator Jones:

S. B. No. 112 A Bill to be entitled An Act amending Section 24, of Senate Bill 135, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that benefits under policies or certificates issued

by burial associations shall be payable in cash rather than in merchandise and burial services if cash is demanded by the beneficiary; and declaring an emergency.

To Committee on Insurance.

By Senator Ramsey:

S. B. No. 113, A Bill to be entitled "An Act to amend Article 6820 of the Revised Civil Statutes of Texas providing for the expenses of District Judges and District Attorneys, so as to provide that no District Judge or District Attorney shall receive more than \$800 in any one year for his expenses; providing that all laws or parts of laws in conflict with this act are hereby expressly repealed; and declaring an emergency."

To Committee on Finance.

Senate Joint Resolution 7 On First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Moffett:

S. J. R. No. 7, Proposing an Amendment to Section 2 of Article VI of the Constitution of Texas so as to provide that members of the Army, Navy, or other branch or component part of the Armed Forces of the United States during any nationally declared emergency, or during any time when the United States is at war with another country, who would otherwise be eligible to vote under the laws of Texas to vote without the requirement of having paid any poll tax assessed against him or of holding a receipt therefor; providing the form of the ballot for voting upon said proposed amendment; fixing the time for holding the election; directing the Governor to issue the necessary proclamations; and making an appropriation to defray necessary expenses.

Consideration of Senate Bill 105

Senator Moore moved that Section 5. of Article III of the Constitution and the Senate rules adopted pursuant thereto be suspended to permit immediate consideration in committee and by the Senate of S. B. No. 105.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moffett |
| Brown | Moore |
| Bullock | Morris |
| Carney | Parrish |
| Chadick | Ramsey |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Mauritz | York |
| Metcalf | |

Absent—Excused

Kelley Shivers

Senate Bill 62 Re-referred

On motion of Senator Moffett, S. B. No. 62 was re-referred from the Committee on Finance to the Committee on Claims and Accounts.

Hour for Executive Session Set

Senator Winfield moved that the Senate hold an executive session at 11:40 o'clock a. m. tomorrow.

The motion prevailed unanimously.

Message from the House

Hall of the House of Representatives,

Austin, Texas
January 31, 1945

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

S. C. R. No. 7, Relative to appointing committee of three members of the Senate and House of Representatives to attend the ceremonies at Majors Field, Greenville, Texas.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Message from the House

Austin, Texas
February 5, 1945

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

passed the following Bills and Resolutions:

H. C. R. No. 16, Inviting the Choir of the Texas State College for Women to give a Concert before the Legislature at 11:00 a. m. on February 12, 1945.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

House Concurrent Resolution 16

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. 16, Inviting the Choir of the Texas State College for Women to give a Concert at a joint session of the Legislature on February 12, 1945 at 11:00 o'clock a. m.

The President laid the resolution before the Senate, and it was read and adopted.

Senate Resolution 28

Senator Stanford offered the following resolution:

Whereas, The Health, Medical and Welfare Organizations of the City of Austin, are cooperating with the American Social Hygiene Association and the Austin Junior Chamber of Commerce in the observance of National Social Hygiene Day, February 7, 1945; and

Whereas, The object of this city-wide event is to help protect soldiers, sailors and civilian population from Venereal Diseases; and

Whereas, Especial attention is being directed toward the full realization of the menace of commercialized prostitution in this area, adjacent to concentrations of armed forces; therefore, be it

Resolved, That the Texas State Senate hereby congratulates and encourages the Austin Junior Chamber of Commerce in their cooperation with the Health, Medical and Welfare organizations in their united efforts to educate the general public to the importance of the control of the Venereal Diseases, syphilis and gonorrhea, thereby aiding in the prevention of misery and misfortune among men in the nation's armed

forces, and the civilian population; and be it further

Resolved, That a copy of this resolution, upon final passage, be directed to the President of the Austin Junior Chamber of Commerce in appreciation of the efforts put forth by the Organization which he represents.

The resolution was read and was adopted.

Senate Concurrent Resolution 8

Senator Hazlewood offered the following resolution:

S. C. R. No. 8, Requesting compilation of information regarding ownership of lands acquired in Texas by the Federal Government and its agencies.

Whereas, in the State of Texas there is owned and claimed by the Federal Government and its related agencies, and/or corporations in existence through grant by the Federal Government extended holdings in real property and other interests thereunder; and

Whereas, the State of Texas does not have a complete knowledge of the ownership and holdings of property within the State of Texas by the Federal Government and its related agencies, and/or corporations in existence through grant by the Federal Government, and that the extent, location and degree of said ownership is unknown to the State of Texas; and

Whereas, the laws of the State of Texas covering ownership of real estate and interests thereunder by the Federal Government and its related agencies, and/or corporations in existence through grant by the Federal Government, are inadequate to protect private property interests and the rights of the State of Texas; and

Whereas, the Federal Government, and its related agencies, and/or corporations in existence through grant by the Federal Government, as a property owner and holder of real estate and other interests thereunder in competition with private ownership of real estate, is not a recognized scope of said agencies' capacity; and

Whereas, extended holdings of real estate and other interests thereunder by the Federal Government and its related agencies, and/or corpora-

tions in existence through grant by the Federal Government, within the State of Texas beyond the scope of governmental necessity, creates an unfavorable tax and economic condition within the State of Texas and results in the said agencies usurping the rights of private ownership and private enterprise, and takes from the State of Texas and other governmental agencies and subdivisions of the State of Texas considerable revenue that would ordinarily be derived from said property if owned by private enterprise; and

Whereas, The magnitude of this problem is of great and far-reaching importance to the State of Texas; now, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Representatives in Congress from the State of Texas and the United States Senators from Texas be requested respectfully to have compiled for the Texas Legislature a list of all interests and ownership in real property and rights therein in the State of Texas held or claimed by the Federal Government and its related agencies, as well as by corporations in existence through grant by the Federal Government; be it further

Resolved, That a copy of this resolution be mailed to each such Texas Representative in Congress and United States Senators from Texas with the request that the Texas Delegation meet at the earliest time possible and take proper steps to obtain and compile this information for the Texas Legislature; be it further

Resolved, That in order for this information to be made available while the Legislature is still in session, we respectfully request that such information be compiled and furnished by March 1, 1945.

The resolution was read; and by unanimous consent it was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 9

Senator Spears offered the following resolution:

S. C. R. No. 9, Empowering the Clerk of the Court of Criminal Appeals of Texas to destroy all records of cases appealed thereto prior to the date of October 1, 1909.

The resolution was read.

(President pro tempore in the Chair.)

On motion of Senator Spears, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Record of Votes

Senators Aikin, Moore and Metcalfe asked to be recorded as voting nay on the resolution.

Message from the House

The following message, received from the Governor today, was laid before the Senate and was read:

Austin, Texas,
January 31, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Life Insurance Commissioner for a six-year term to expire February 10, 1951:

George B. Butler, of Austin, Travis County.

To be Commissioner of Labor Statistics for a two-year term to expire January 31, 1947:

Leonard Carlton, Commerce, Hunt County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

(President in the Chair.)

The message was referred to the Committee on Nominations of the Governor.

Caucus of Senate

Senator Aikin called for a meeting of the Members of the Senate in caucus at 10:00 o'clock a. m. Wednesday, February 7, 1945.

Resolution Signed

The President signed S. C. R. No. 6 in the presence of the Senate, after giving due notice of the signing.

Memorial Service

Senator Spears, at the request of Senator Martin, who was temporarily absent from the Senate Chamber, announced that a memorial service for Honorable Bob Barker would be held in the Senate Chamber at 10:30 o'clock a. m. tomorrow.

Adjournment

On motion of Senator Lanning, the Senate, at 12:18 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

EIGHTEENTH DAY

(Tuesday, February 6, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

| | |
|-----------|----------|
| Aikin | Moffett |
| Brown | Moore |
| Bullock | Morris |
| Carney | Parrish |
| Chadick | Ramsey |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Mauritz | York |
| Metcalfe | |

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Mauritz, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Chadick submitted the following report:

Austin, Texas,
February 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State